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April 9, 2025

VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *International Code Council, Inc. v. UpCodes, Inc. et al.* – Consolidated Case Nos. 1:17-cv-6261, 1:20-cv-04316, and 1:22-cv-10815

Dear Magistrate Judge Figueredo:

The parties submit this joint letter motion concerning the discovery schedule in consolidated case No. 1:17-cv-6261. The parties jointly move to reset the scheduling order in the consolidated cases for good cause to allow time for the parties to conduct discovery on the false advertising claims and the Second Copyright Case.

The parties need additional time to complete document production, supplement contention interrogatory responses, and conduct depositions based on the foregoing discovery. On September 6, 2024, Plaintiffs International Code Council, Inc. (“ICC”), filed a motion to compel Skidmore, Owings & Merrill LLP to comply with a Rule 45 Subpoena to Produce Documents, Information, or Objects or Permit Inspection of Premises in the above captioned proceeding.¹ ICC’s motion remains outstanding. Accordingly, the parties request an extension of the current discovery schedule to resolve the parties’ outstanding discovery disputes and complete all fact discovery (including third party discovery).

The parties have requested to reset the scheduling order six times previously, on March 22, 2021, July 24, 2023, October 26, 2023, March 20, 2024, August 5, 2024, and December 20, 2024 respectively. (Dkt. Nos. 115, 180, 186, 207, 210, 219). The Court granted each of the parties’ motions on March 22, 2021, July 26, 2023, October 30, 2023, March 26, 2024, August 7, 2024, and December 30, 2024 respectively. (Dkt. Nos. 116, 181, 187, 209, 211, 220.)

¹ See *International Code Council, Inc., v. Skidmore, Owings & Merrill, LLP*, Case No. 1:24-mc-00412-JHR, Dkt. No. 1.



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Accordingly, the parties jointly move to reset the scheduling order in accordance with the proposed amended case schedule below for the consolidated cases for good cause to allow time for the parties to continue to conduct discovery.

Respectfully submitted,

A handwritten signature in black ink that reads "Jane W. Wise".

Jane W. Wise



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Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Close of Fact Discovery in False Advertising Case and Second Copyright Case	May 16, 2025	September 30, 2025	
Opening Expert Reports from Party Bearing Burden of Proof in False Advertising Case and Second Copyright Case	July 18, 2025	October 30, 2025	
Rebuttal Expert Reports in False Advertising Case and Second Copyright Case	August 29, 2025	December 5, 2025	
Close of Expert Discovery in False Advertising Case and Second Copyright Case	October 3, 2025	January 15, 2026	
Motions for Summary Judgment in False Advertising Case and Second Copyright Case	November 7, 2025	February 13, 2026	
Oppositions to Motions for Summary Judgment in False Advertising	December 5, 2025	March 13, 2026	



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Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Case and Second Copyright Case			
Replies in Support of Motions Summary Judgment in False Advertising Case and Second Copyright Case	December 19, 2025	March 27, 2026	
Parties to exchange <ul style="list-style-type: none"> * list of claims * contentions of fact * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict forms 	April 17, 2026 or 60 days after a decision on all dispositive motions, whichever is later ²	July 17, 2026 or 60 days after a decision on all dispositive motions, whichever is later ³	94 days before trial
Parties to exchange objections to <ul style="list-style-type: none"> * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict form 	May 1, 2026	July 31, 2026	80 days before trial

² If after, April 17, 2026, all subsequent dates will be pushed back to keep the same number of days before trial.

³ If after, July 17, 2026, all subsequent dates will be pushed back to keep the same number of days before trial.



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Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Parties to complete meet and confer regarding list of claims and contentions of fact, and objections to * witness list * exhibit list * deposition designations * proposed jury instructions * proposed verdict form	May 11, 2026	August 10, 2026	70 days before trial
Parties to Confer to Attempt to Agree on Stipulations of Fact and Admissibility	May 14, 2026	August 13, 2026	67 days before trial
Motions <i>in Limine</i>	May 20, 2026	August 19, 2026	61 days before trial
Joint Pretrial Order	June 10, 2026	September 9, 2026	40 days before trial
Each Party's Pretrial Memorandum with Brief Discussion of the Issues to Be Tried and Authorities Relied Upon	June 10, 2026	September 9, 2026	40 days before trial
Joint Proposed Voir Dire	June 10, 2026	September 9, 2026	40 days before trial
Joint Proposed Request to Charge	June 10, 2026	September 9, 2026	40 days before trial
Joint List of Individuals, Companies and	June 10, 2026	September 9, 2026	40 days before trial



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Event	Current Deadline	Proposed New Deadline	Days Before Trial (for Pretrial Submissions)
Other Entities that May Appear as Witnesses or Otherwise Be Referred to During Trial			
Joint Proposed Verdict Form	June 10, 2026	September 9, 2026	40 days before trial
Oppositions to Motions <i>in Limine</i>	June 10, 2026	September 9, 2026	40 days before trial
Reply Briefs on Motions <i>in Limine</i>	June 26, 2026	September 25, 2026	24 days before trial
Final Pretrial Conference	July 2, 2026	October 1, 2026	18 days before trial
Requests to Bring Computers into Courthouse	July 9, 2026	October 8, 2026	11 days before trial
Trial	July 20, 2026 (Estimated 20 days)	October 19, 2026 (Estimated 20 days)	